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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Gryson, naamloze vennootschap		
Entity	Joint Stock Company	Citizenship	Belgium
Address	3 Nijverheidsstraat Houthulst, B-8150 BELGIUM		

Attorney information	David B. Kirschstein Kirschstein Ottinger Israel & Schiffmiller, P.C. 489 Fifth Avenue, 17th Floor New York, NY 10017-6105 UNITED STATES dbk@kirschsteinlaw.com Phone:212-697-3750
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### Registration Subject to Cancellation

Registration No	2881947	Registration date	09/07/2004
Registrant	General Cigar Co., Inc. 7300 Beaufont Springs Drive Richmond, VA 23225 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 034. First Use: 2004/04/06 First Use In Commerce: 2004/04/06 All goods and services in the class are cancelled, namely: cigars
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	DON DOMINGO Cancellation.pdf ( 3 pages )(739914 bytes )
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Signature	/David B. Kirschstein/
Name	David B. Kirschstein
Date	10/09/2007

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GRYSON, naamloze vennootschap,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No.
	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Registrant-Respondent.	:	
-----X		

PETITION FOR CANCELLATION

Petitioner, GRYSON, naamloze vennootschap, a Joint Stock Company organized and existing under the laws of Belgium, located and doing business at 3 Nijverheidsstraat B-8150 Houthulst, Belgium, believes that it is being and will be damaged by Registration No. 2,881,947 dated September 7, 2004 for the mark DON DOMINGO in Class 34, and hereby petitions to cancel said registration.

As grounds for this petition for cancellation, it is alleged that:

1. Petitioner is now, and at all times pertinent hereto, has been engaged in the business of manufacturing and selling smoking tobacco and smoker's articles.

2. Petitioner intends to commence use of the trademark DOMINGO in connection with the advertising, offering for sale and sale of smoking tobacco. An application for extension of protection of Petitioner's International Registration No. 508,682 for the mark DOMINGO has been filed in the United States Patent and Trademark Office; it is application Serial No. 79/033,788 filed December 11, 2006.

3. Upon information and belief, respondent has abandoned the trademark DON DOMINGO which is the subject of registration No. 2,881,947 sought to be cancelled herein by discontinuing use of said trademark in connection with the goods listed in said registration with no intent to resume use of said mark.

4. For the purpose of this petition only, and for no other purpose, petitioner alleges that respondent's registered and abandoned trademark DON DOMINGO as applied to the goods set forth therein is confusingly similar to petitioner's trademark DOMINGO as applied to the goods set forth in petitioner's aforesaid application.

5. Petitioner's trademark application for the mark DOMINGO has been rejected on the ground that the mark when applied to the products set forth therein so resembles the mark set forth in the registration sought to be cancelled as to be likely to cause confusion, to cause mistake or to deceive. Petitioner is damaged by the continued existence of said registration No. 2,881,947 in that petitioner's ability to obtain extension of protection of its aforesaid International Registration of the mark DOMINGO for the afore-mentioned goods will be impaired by the continued existence of respondent's abandoned registration for the mark DON DOMINGO.

6. If respondent's registration No. 2,881,947 is not cancelled, respondent will continue to enjoy the prima facie exclusive right to use the abandoned mark DON DOMINGO, in Class 34, thus impairing and casting a cloud upon petitioner's rights to the exclusive use of its trademark DOMINGO and preventing petitioner from obtaining extension of protection of its International Registration aforesaid to the U.S.

WHEREFORE, it is prayed that this Petition for Cancellation be granted and the registrant's registration be ordered cancelled.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER,  
ISRAEL & SCHIFFMILLER, P.C.  
Attorneys for Petitioner  
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New York, NY 10017-6105  
(212) 697-3750

By 

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DAVID B. KIRSCHSTEIN

Dated: New York, New York  
October 9, 2007